

CHAPTER 612

Dogs and Other Animals

EDITOR'S NOTE: Unless otherwise indicated, this chapter was enacted on October 17, 1960, and amended on October 6, 1964, July 5, 1977, May 15, 1978, September 18, 1978, November 20, 1996, April 1, 1998, October 7, 1998 and December 18, 2000.

This chapter was repealed and re-enacted in its entirety by Ordinances 98-10 and 98-11, passed October 7, 1998.

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CROSS REFERENCES

Authority of counties re dogs - see Code of Va. 3.1-796.66 et seq.
 Declaration of fence pursuant to State law - see GEN. OFF. 618.01
 Dog kennels - see B.R. & T. Ch. 808
 Animals in swimming pools - see B.R. & T. 838.52
 Farm animals exempt from taxation - see B.R. & T. 860.06
 Dogs prohibited in parks; signs - see S.U. & P.S. 1092.21

612.01 ANIMAL CONTROL OFFICER.

Pursuant to Chapter 27.4 of Title 3.1 and Section 15.2-1200 of the Code of Virginia of 1950, as amended, there is hereby created the position of Animal Control Officer. The duties of the Animal Control Officer shall be those provided for in Section 3.1-796.104 et seq. of such Code and such other duties as may be provided for herein. For all purposes the term Animal Warden and Animal Control Officer are synonymous.

(Ord. 98-11. Passed 10-7-98.)

612.02 DEFINITIONS.

As used in this chapter, unless otherwise required by the context:

- (a) "Adoption" means the transfer of ownership of a dog or cat from a releasing agency to an individual.
- (b) "Agricultural animals" means all livestock and poultry.
- (c) "Animal" means any nonhuman vertebrate species except fish. For the purposes of Section 612.18, animal means any species susceptible to rabies. For the purposes of Section 612.24, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.
- (d) "Animal Control Officer" or "Deputy Animal Control Officer" means any person appointed as an animal control officer or deputy animal control officer by the Board of Supervisors as provided in 3.1-796.104 of the Code of Virginia, as amended, for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensing of dogs, control of dogs and cats, cruelty to animals, or seizure and impoundment of companion animals. (Changed by L. 1991, ch. 348; L. 1993, chs. 174, 959, eff. 7/1/93.)
- (e) "Animal shelter" means the Loudoun County Animal Shelter (Pound).
- (f) "Board" means the Loudoun County Board of Supervisors.
- (g) "Collar" means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way that does not cause trauma or injury to the animal.
- (h) "Companion animal" means any domestic or feral dog, domestic or feral cat, non-human primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or persons or any animal which is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under Federal law as research animals shall not be considered companion animals for the purposes of this chapter.
- (i) "Confinement" means confinement of the animal in a building, pen or by some other suitable escape-proof method or enclosure. The animal cannot be removed from confinement unless on a leash and under the immediate control of a responsible adult. The animal cannot be moved from the premises unless permission is obtained from the Health Director.
- (j) "Current rabies vaccination" means a dog or cat has received a rabies immunization not less than thirty days prior to a bite incident or is protected by a previous rabies immunization. The rabies vaccine shall have been administered by a licensed veterinarian within the period of time for which the specific vaccine was intended by the manufacturer and is licensed by the

United States Department of Agriculture to provide protection. A dog or cat which receives its first vaccination between three and twelve months of age is required to be revaccinated one year after the date of the first vaccination, irrespective of the type of vaccine used.

The vaccination of a wild animal with any type of rabies vaccine not licensed by the United States Department of Agriculture for that animal is not deemed to be protection against rabies.

- (k) "Dealer" means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. Any person who transports companion animals in the regular course of business as a common carrier shall not be considered a dealer.
- (l) "Department" means the Loudoun County Department of Animal Care and Control.
- (m) "Dog running at large". A dog running at large is a dog which is roaming, running or self-hunting off the property of its owner or custodian and is not under its owner's or custodian's immediate control. However, within any residential development in any unincorporated area of the County which has a density of two housing units to the gross acre or more, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under leash control.
- (n) "Emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission or prevent further disease progression.
- (o) "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during such loss of consciousness.
- (p) "Humane" means any action taken in consideration of and with the intent to provide for the animal's health and well-being.
- (q) "Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities as defined in Virginia Code 3.1-73.6; enclosed domestic rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.
- (r) "Other officer" includes any other person employed or elected by the people of the Commonwealth or by the County or any incorporated town therein whose duty it is to preserve the peace, to make arrests or to enforce the law.
- (s) "Owner" means any person who:
 - (1) Has a right of property in an animal,
 - (2) Keeps or harbors an animal,
 - (3) Has an animal in his care, or
 - (4) Acts as a custodian of an animal.
- (t) "Person" means any individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity.
- (u) "Poultry" includes all domestic fowl and game birds raised in captivity.
- (v) "Premises of the owner" means any area within or immediately contiguous to the owner's residence, where a confined animal can be competently observed and controlled by the owner.

- (w) "Proof of ownership" includes, but is not limited to, veterinary record, rabies vaccination certificate, license, photograph, bill of sale, breed registry, written transfer of ownership, or verbal or written third party verification.
- (x) "Quarantine" means the strict isolation of an animal for a designated period of time in a veterinary hospital, the Animal Shelter, or at the owner's residence that prevents direct contact between the animal and any human or animal, but allows for the feeding and watering of the animal and cleaning of the enclosure. The local Health Director or designee shall approve of the adequacy of the method used.
- (y) "Sterilize or sterilization" means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.
- (z) "Treasurer" includes the Treasurer of the County or his lawfully designated agent.
- (aa) "Treatment" or "adequate treatment" means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.
(Ord. 98-11. Passed 10-7-98.)

612.03 LICENSE TAX.

No person shall own a dog four months old or over in the County unless such dog is licensed, as required by this chapter. Dog licenses shall run by the calendar year, namely, from January 1 to December 31, inclusive, and the license tax shall be payable at the office of the Treasurer and shall be in accordance with the fee schedule (Section 612.26). No license tax shall be levied on any dog that is trained and serves as a guide dog, hearing dog, handicapped assistance dog, service or support dog.

(Ord. 98-11. Passed 10-7-98.)

612.04 PAYMENT SCHEDULE.

The license tax on dogs shall be due and payable as follows:

- (a) On or before January 1 and not later than January 31 of each year, the owner of any dog four months old or older shall obtain a license as prescribed in Section 612.03.
- (b) If a dog owned by and in the possession of a resident of the County becomes four months of age, or if a dog over four months of age and unlicensed by the County or by any other Commonwealth jurisdiction comes into the possession of any person in the County, between January 1 and November 1 of any year, the license tax for the current calendar year shall be paid forthwith by the owner.

If a dog owned by and in the possession of a resident of the County becomes four months of age, or if a dog over four months of age and unlicensed by the County or by any other Commonwealth jurisdiction comes into the possession of any person in the County, between October 31 and December 31 of any year, the license tax for the succeeding calendar year shall be paid forthwith by the owner and this license shall be valid to protect the dog from the date the license is purchased.

(Ord. 98-11. Passed 10-7-98.)

612.05 PAYMENT OF LICENSE TAX SUBSEQUENT TO SUMMONS.

Payment of the license tax subsequent to a summons to appear before the Judge of the General District Court or any other court for failure to pay the license tax within the time required shall not relieve such owner from the penalties provided.

(Ord. 98-11. Passed 10-7-98.)

612.06 UNCOLLARED DOGS; EVIDENCE; BURDEN OF PROOF.

Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed, and in any proceedings under this chapter the burden of proof of the fact that the dog has been licensed, or is otherwise not required to bear a tag at the time, shall be on the owner of the dog.

(Ord. 98-11. Passed 10-7-98.)

612.07 LICENSE APPLICATION; CERTIFICATE OF VACCINATION.

Any resident of the County may obtain a dog license by making written application to the Treasurer or his designee, accompanied by the amount of the license tax and a certificate that such dog has been inoculated or vaccinated against rabies. The certificate of vaccination or inoculation shall be signed by a currently licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on premises, certifying that the dog for which the license is to be issued, has been vaccinated or inoculated for rabies. The certificate shall show the date of inoculation, the type of vaccine used (whether modified live virus or killed virus), the sex and breed of the dog, whether or not the dog has been neutered or sterilized and the name of the owner. No certificate or affidavit other than the above described certificate or a duplicate issued by a licensed veterinarian shall be accepted by the Treasurer or other authorized person.

The Treasurer or his designee shall license only dogs of owners or custodians who reside within the boundary limits of the County and its incorporated towns and may require information to this effect from any applicant. Upon receipt of the proper application and certificate of vaccination, the Treasurer or his designee shall issue a license receipt for the fee on which the Treasurer shall have recorded the name and address of the owner or custodian, name, breed, age, description of the animal and rabies expiration date, the date of payment, the year for which the license is issued, the serial number of the tag, whether the dog has been sterilized or not, and deliver the metal license tag provided for in Section 612.08.

(Ord. 98-11. Passed 10-7-98.)

612.08 LICENSE RECEIPT AND METAL TAG.

A dog license shall consist of a license receipt and a metal tag. The tag shall be stamped or otherwise permanently marked to show the name of the County, the calendar year for which it is issued and the serial number.

(Ord. 98-11. Passed 10-7-98.)

612.09 DUPLICATE LICENSE TAGS.

If the dog license tag is lost, destroyed or stolen, the owner or custodian shall at once apply to the Treasurer or designee who issued the original license for a duplicate license tag presenting the original license receipt. Upon affidavit of the owner or custodian before the Treasurer or designee that the original license tag has been lost, destroyed or stolen, the Treasurer shall issue a duplicate license tag which the owner

or custodian shall immediately affix to the collar of the dog. The Treasurer or designee shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag shall be in accordance with the fee schedule (Section 612.26).
(Ord. 98-11. Passed 10-7-98.)

612.10 DISPLAYING RECEIPTS; DOGS TO WEAR TAGS.

Dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by the Animal Control Officer or other officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. No owner shall permit any licensed dog four months old or older to run or roam at large at any time without a license tag. The owner of the dog may remove the collar and license tag required by this section when: (i) the dog is engaged in lawful hunting, (ii) the dog is competing in a dog show, (iii) the dog has a skin condition which would be exacerbated by the wearing of a collar, (iv) the dog is confined, or (v) the dog is under the immediate control of its owner.
(Ord. 98-11. Passed 10-7-98.)

612.11 KENNEL DOGS. (REPEALED)

(EDITOR'S NOTE: This section was repealed by Ordinance 98-04, passed April 1, 1998.)

612.12 DOGS AND CATS DEEMED PERSONAL PROPERTY; RIGHTS RELATING THERETO.

All dogs and cats in the County shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass. Owners, as defined in Section 612.02(s), may maintain an action for the killing of any such animals, or injury thereto, or unlawful detention or use thereof, as in the case of other personal property.

The owner of any dog which is injured or killed contrary to the provisions of this chapter by any person shall be entitled to recover the value thereof or the damage done thereto in an appropriate action at law from such person. The Animal Control Officer or any other officer finding a stolen dog or cat, or a dog or cat held or detained contrary to law, shall have authority to seize and hold such dog or cat pending action before the General District Court or any other court. If no such action is instituted within seven days, the Animal Control Officer or other officer shall deliver the dog or cat to its owner. The presence of a dog or cat on the premises of a person other than its legal owner shall raise no presumption of theft against the owner of such premises. The Animal Control Officer may take such dog or cat in charge and/or notify its legal owner, if known, to remove it. The legal owner of the animal shall pay the boarding fees established in the fee schedule (Section 612.26) for the keep of such animal while in the possession of the Animal Control Officer.
(Ord. 98-11. Passed 10-7-98.)

612.13 RUNNING AT LARGE.

It shall be unlawful for any owner or custodian to allow any dog to run at large. The Animal Control Officer shall enforce the provisions of this chapter. Any person who permits his dog to run at large, or remain unconfined, unrestricted or not penned up and off the property of the owner or custodian, shall be deemed in violation of this section.
(Ord. 98-11. Passed 10-7-98.)

612.14 DOGS KILLING, INJURING OR CHASING LIVESTOCK OR POULTRY.

It shall be the duty of any Animal Control Officer, or other officer who may find a dog in the act of killing or injuring livestock or poultry, to kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock; or chasing livestock on land lawfully utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the Animal Control Officer or other officer to kill any dog known to be a confirmed livestock or poultry killer. Any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian or harbinger of the dog to produce the animal.

Any Animal Control Officer, who has reason to believe that a dog is killing livestock or poultry, shall be empowered to seize such dog solely for the purpose of examining such animal in order to determine whether it committed any of the depredations mentioned herein. Any Animal Control Officer or other person who has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate of the county or town wherein such dog may be, who shall issue a warrant requiring the owner or custodian, if known, to appear before the General District Court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned in this section, the District Court shall order that the dog be:

- (1) Killed immediately by the Animal Control Officer or other officer designated by the court, or
- (2) Removed to another state which does not border on the Commonwealth and prohibited from returning to the Commonwealth.

Any dog ordered removed from the Commonwealth which is later found in the Commonwealth shall be ordered by a court to be killed immediately.

(Ord. 98-11. Passed 10-7-98.)

612.15 COMPENSATION FOR LIVESTOCK AND POULTRY KILLED BY DOGS.

Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry, not to exceed four hundred dollars (\$400.00) per animal or ten dollars (\$10.00) per fowl, provided that: (i) the Animal Control Officer shall have been notified of the incident within seventy-two hours of its discovery; (ii) the claimant has furnished evidence within sixty days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog; and (iii) the claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the animal upon which an execution has been returned unsatisfied.

The requirements of (i) and (iii) may be waived if the Animal Control Officer has investigated the incident and supports the claim. Upon payment under this section the County shall be subrogated to the right of action of the owner of the livestock or poultry against the owner of the dog to the extent of compensation paid, and may enforce the same in an appropriate action at law. (Ord. 98-11. Passed 10-7-98.)

612.16 CONFINEMENT AND DISPOSITION OF STRAY ANIMALS.

The County Animal Shelter shall be responsible for housing all stray, unwanted or impounded animals from within the County.

- (a) The Animal Control Officer shall deliver all animals taken into custody, any dog running at large, or any dog which has not been vaccinated or licensed as required by this chapter, to the Animal Shelter and may issue a summons against the owner or custodian of such animal for a violation of Section 612.13. Any dog confined pursuant to this section shall be kept for a period of not less than ten working days, such period to commence on the day immediately following the day the dog is initially confined in the Animal Shelter, whether bearing identification or not, unless sooner claimed by the rightful owner thereof. Any other animal confined pursuant to this section shall be kept for a period of not less than five working days, such period to commence on the day immediately following the day the animal is initially confined, unless sooner claimed by the rightful owner thereof. The Department shall make a reasonable effort to ascertain whether the dog or other animal has a collar, tag, license, tattoo, or other form of identification, and if identification is found shall make a reasonable effort to notify the owner thereof of the dog or other animal's confinement within the next forty-eight hours following its confinement. If such other identification is found on the other animal, it shall be held for an additional five days, unless sooner claimed by the rightful owner. If the owner or custodian of the animal can immediately be ascertained and located, the animal may be released to its owner or custodian, as provided herein.
- (b) An animal impounded and not rabid or suspected of being rabid may be claimed by its owner or custodian within the appropriate holding period after the impoundment upon:
 - (1) Presentation of proof of ownership, and personal identification.
 - (2) Presentation of a current County dog license.
 - (3) Payment of an impoundment fee or fees in accordance with the fee schedule (Section 612.26).
 - (4) Payment of boarding fees in accordance with the fee schedule (Section 612.26).
 - (5) Payment of veterinary expense, if any.
 - (6) Presentation of a valid rabies certificate for animals other than dogs for which a vaccine is approved by the United States Department of Agriculture.

If the documents required in divisions (b)(2) and (6) of this section are not presented at the time of the animal's redemption the owner shall obtain the required documents for the animal within two weeks of redemption and provide proof of such to the Department. Failure to provide proof that the required documents have been obtained will result in the issuance of a summons.

- (c) If an animal impounded pursuant to this section has not been claimed upon expiration of the appropriate holding period, it shall be deemed abandoned and become the property of the Loudoun County Animal Shelter. The owner or custodian of any such animal, who has been notified by the Department of the animal's impoundment, shall be responsible for all applicable fees, which fees shall be due and payable within ten days of the date upon which the animal becomes the property of the County.

- (d) An owner or custodian shall make payment of an impoundment fee in accordance with the fee schedule (Section 612.26) should an Animal Control Officer pick up and impound an owned animal at the request of the owner.
- (e) Any animal which becomes the property of the Animal Shelter pursuant to division (c) of this section may be (i) adopted by a resident of the County who will pay the required adoption and dog license fees, if any, on such animal, (ii) adopted by a resident of an adjacent political subdivision of the Commonwealth who will pay the required adoption fees, (iii) transferred to any humane society within the Commonwealth, (iv) given as a gift to any state, local, regional or federal government or to a facility operated by a state or local government agency for training and use as a law enforcement canine, (v) in the case of animals other than companion animals, transferred to a zoo or sanctuary, or (vi) humanely euthanized. Nothing contained in this subsection shall prohibit the destruction of a critically injured or critically ill dog or other animal for humane purposes.
- (f) A person adopting a dog or cat that is over four months old from the Animal Shelter must obtain for the adopted animal a rabies certificate. A resident of the County adopting a dog over four months old must also obtain a County dog license. These requirements, if applicable, must be obtained within two weeks of adoption and proof of such provided to the Department. Failure to do so may result in the issuance of a summons.
- (g) Owners or custodians of animals ordered quarantined by the Health Department shall be responsible for payment of an impoundment fee and the daily board, in accordance with the fee schedule (Section 612.26).
(Ord. 00-14. Passed 12-18-00; Ord. 02-19. Passed 12-3-02.)

612.17 DISPOSAL OF DEAD COMPANION ANIMALS.

The owner of any companion animal which has died from disease or other cause and which is not suspected of being rabid, shall immediately cremate, bury or sanitarily dispose of the same. If, after being notified to dispose of the remains, the owner fails to do so within a timely manner, the Animal Control Officer or another officer shall cremate or bury the companion animal and shall recover, on behalf of the County, from the owner, the cost for this service. If the companion animal is known to have bitten a person within ten days of its death, the owner of the animal shall report same to the local health department.
(Ord. 98-11. Passed 10-7-98.)

612.18 RABID ANIMALS.

(a) Dogs or cats showing active signs of rabies or suspected of having rabies shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. If confinement is impossible or impracticable, such dog or cat shall be euthanized as provided in Section 612.16. Every person having knowledge of the existence of an animal apparently afflicted with rabies shall report immediately to the County Health Department the existence of such animal, the place where the animal was seen, the owner's name, if known, and the symptoms suggesting rabies.

(b) Any dog or cat, for which no proof of current rabies vaccination is available, and which is exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal believed to be infected with rabies, and which is not available for rabies testing, shall be confined in the Animal Shelter or in a kennel or enclosure approved by the Health Department for a period not to exceed six months at the expense of the owner. If confinement is not feasible, the dog or cat shall be euthanized as provided in Section 612.16. A rabies vaccination shall be administered prior to release. Inactivated rabies vaccine may be administered at the beginning of confinement. Any dog or cat so bitten, or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, with proof of a current rabies vaccination, shall be revaccinated immediately following the bite and shall be confined to the premises of the owner, or other site as may be approved by the Health Department, for a period of ninety days. If it later becomes known that the animal which bit the confined animal was not rabid, the confined animal shall be released.

(c) At the discretion of the Director of the Health Department, any animal which has bitten a person shall be confined under competent observation for ten days unless the animal develops active symptoms of rabies or expires before that. A seriously injured or sick animal may be humanely euthanized as provided in Section 612.16 and its head sent to the Health Department for evaluation. If confinement cannot, in the opinion of the Health Director, be made on the premises of the owner, the animal shall be confined in a manner approved by the Health Director, and the owner shall be responsible for an impoundment fee, if applicable, and the daily board in accordance with the fee schedule (Section 612.26). Upon written direction from the Health Director the Animal Control Officer shall confine the animal at the Animal Shelter for the required period at the expense of the owner.

(d) When a human is exposed to rabies by a wild nondomestic, feral domestic or nonindigenous animal for which the period of rabies virus shedding, prior to the onset of clinical signs of rabies, is unknown, according to the State Department of Health, by a bite, lick, scratch or other exposure, the animal shall be immediately and humanely destroyed for rabies testing. In the case of a nonindigenous animal, where the owner submits to the Health Director a written, sworn affidavit, and, where appropriate, other reliable evidence is submitted, which shows to the satisfaction of the Health Director that the animal has never been exposed to an environment where it could possibly contract or be exposed to rabies, then the animal shall not be destroyed.

(e) All dogs and domesticated cats over four months of age, or older, in the County are required to have a current rabies vaccination. As used in this section, "domesticated cat" or "domestic cat" means a cat that is owned, in the possession of or being regularly fed or sheltered by a resident of the County.

(f) When any potentially rabid animal, other than a dog or cat, exposes or may have exposed a person to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, that animal shall be confined at the discretion of the Health Director in a manner approved by the Health Department or humanely euthanized as provided in Section 612.16 and its head sent to the Health Department for evaluation.

(g) When any animal, other than a dog or cat, is exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal believed to be afflicted with rabies, that newly exposed animal shall be confined at the discretion of the Health Director in a manner approved by the Health Department or humanely euthanized as provided in Section 612.16.

(Ord. 98-11. Passed 10-7-98.)

612.19 OTHER UNLAWFUL ACTS.

(a) The following shall be deemed unlawful acts and constitute Class Four misdemeanors.

- (1) Diseased dogs and cats. For the owner of any dog or cat with a contagious or infectious disease to permit such dog or cat to stray from his premises if such disease is known to the owner;
- (2) Female dog in season. For the owner of any female dog to permit such dog to stray from his premises while such dog is known by such owner to be in season;
- (3) Removing collar and tag. For any person, except the owner or custodian, to remove a legally acquired license tag from a dog;
- (4) Concealing a dog or cat. For any person to conceal or harbor any dog for which the license tax has not been paid, or to conceal a potentially rabid dog or cat to keep the same from being killed;
- (5) Dog noise. For any person to own, possess or harbor any dog of any age which frequently or for a continued duration howls, barks or makes other sounds which annoy or disturb a reasonable person of normal sensitivities across a residential real property boundary or through a partition common to two persons within a building.
No action shall be brought under this paragraph unless the alleged offense has been complained of by at least two persons not of the same household, unless there is no more than one household within one-half mile of the property line of the property on which the source of the complaint is located, in which case one complaint shall be sufficient. Complaints shall be made in writing to the Department of Animal Care and Control or by telephone to the Sheriff's Office. Complaints received by telephone must be verified by the investigating officer at the complaint location in order to be considered valid. When the complaint is verified, a notation will be placed in the computer aided dispatch system reflecting this violation. Any subsequent valid complaint at this same location will constitute a second offense and a citation may be issued.
- (6) Companion animal odor. For any person who owns, possesses or harbors a companion animal to maintain such companion animal in a manner which causes odors offensive to a reasonable person of normal sensitivities across a real property boundary or through a partition common to two persons within a building, except that no action shall be brought under this paragraph unless the offense has been complained of in writing.
- (7) False statements. For any person to make a false statement in order to secure a dog license to which he is not entitled;
- (8) Failure to purchase a license. For any dog owner who is a resident of Loudoun County and its incorporated towns to fail to pay the license tax required by this chapter, for which offense, in addition to any other penalty, the court may order confiscation and the proper disposition of the dog;
- (9) Dog waste. For the owner of any dog to fail to remove immediately the dog's feces from any property that is located in any residential subdivision or adjacent to such residential subdivision. No action shall be brought under this paragraph for failure of a dog owner to remove the dog's feces from the premises of the dog owner, notwithstanding any contrary provision of law. This exception shall not apply to the common areas of a homeowner's association, condominium or apartment complex.

Complaints of violations of paragraphs (a)(5), (6) and (9) hereof shall be investigated by the Department or any law enforcement officer. If, after notification by the investigating officer, any person owning, possessing or harboring a dog or companion animal, which is the source of such complaint, fails to correct the condition complained of within a reasonable period of time, a summons for a violation of paragraph (a)(5), (6) or (9) hereof shall be issued to such a person.

- (10) Other violations. For any resident animal owner or other person to commit any other violation of this chapter for which a specific penalty is not provided.

(b) It shall be a Class One misdemeanor for any person to present a false claim or to receive any money on a false claim under Section 612.15.

(Ord. 98-11. Passed 10-7-98.)

612.20 DISPOSITION OF FUNDS.

All funds collected from any person for violating any of the provisions of this chapter shall be credited to the General Fund of the County, Department of Animal Care and Control, and deposited by the County Treasurer in the same manner as that prescribed for other County moneys. (Ord. 98-11. Passed 10-7-98.)

612.21 DANGEROUS OR VICIOUS DOGS.

(EDITOR'S NOTE: Former Section 612.21, Vicious and Destructive Animals, was repealed and renumbered as Section 612.215, and then renumbered as Section 612.21 in 1998.)

- (a) As used in this section:

- (1) "Dangerous dog" means a canine, or canine crossbreed, which has bitten, attacked, or inflicted injury on a person or companion animal, other than a dog, or killed a companion animal.
- (2) "Vicious dog" means a canine, or canine crossbreed, which has killed a person or inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health or serious impairment of a bodily function, or which continues to exhibit the behavior which resulted in a previous finding by a court that it is a dangerous dog, provided that its owner has been given notice of that finding.

- (b) Any Animal Control Officer who has reason to believe that a canine, or canine crossbreed, within Loudoun County is a dangerous dog or vicious dog shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before the General District Court at a specified time.

The summons shall advise the owner of the nature of the proceeding and the matters at issue. The animal warden shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal warden determines that the owner or custodian can confine the animal in a manner that protects the public safety, the animal warden may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Section 3.1-796.119 of the Code of Virginia, as amended.

- (c) No canine, or canine crossbreed, shall be found to be a dangerous dog or vicious dog solely because it is a particular breed. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian, or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog which was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a dangerous dog or a vicious dog.
- (d) The owner of any animal found by a court to be a dangerous dog shall, within ten days of such finding, obtain a dangerous dog registration certificate from the Animal Control Officer for a fee as specified by the fee schedule (Section 612.26), in addition to other applicable fees that may be authorized by law. The Animal Control Officer shall also provide the owner with a uniformly designed tag which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subdivision shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.
- (e) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen years of age or older who present satisfactory evidence of the animal's current rabies vaccination, if applicable, and evidence that the animal is and will be confined in a proper enclosure, is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they

present satisfactory evidence that their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.

- (f) While on the property of its owner, an animal found by a court to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found by a court to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
 - (g) If the owner of an animal found by a court to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.
 - (h) After an animal has been found by a court to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the local animal control authority if the animal is loose or unconfined, bites a person or attacks another animal, is sold, given away or dies, or has been moved to a different address.
 - (i) The owner of any animal which has been found by a court to be a dangerous dog who willfully fails to comply with the requirements of this section shall be guilty of a Class One misdemeanor.
 - (j) All fees collected pursuant to this section, less the costs incurred by the Department in producing and distributing the certificates and tags required by this section, shall be paid into a special dedicated fund in the Treasury of the County for the purpose of paying the expenses of any training course required under Section 3.1-796.105 of the Code of Virginia, as amended.
 - (k) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen years of age or older who present satisfactory evidence that the animal has been neutered or spayed.
 - (l) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least fifty thousand dollars (\$50,000), that covers animal bites.
- (Ord. 00-14. Passed 12-18-00.)

612.22 HUNTING AND TRAPPING NEAR HIGHWAYS.

(a) Purpose. The purpose of this section is to protect the traveling public within the County, as well as pets or other animals owned by the public, from injury caused by hunting or trapping near primary and secondary highways, and to protect the property rights of persons owning real property near primary and secondary highways from persons hunting and trapping within those areas.

(b) Prohibited. No person shall hunt or attempt to hunt, with a firearm, a game bird or game animal while such person is on or within 100 yards of a primary or secondary highway, or trap or attempt to trap a game animal or furbearer within fifty feet of the shoulder of a primary or secondary highway, unless such trapping is done with the written permission of the owner of the land on which such trapping is done.

(c) Interpretation. For the purposes of this section, "hunt, " "attempt to hunt," "trap" or "attempt to trap" does not include the necessary crossing of such highways for the bona fide purpose of going into or leaving a lawful hunting or trapping area.

(d) Penalty. Violation of this section shall constitute a Class 3 misdemeanor.
(Ord. 98-11. Passed 10-7-98.)

612.23 SEIZURE AND DISPOSAL OF ABANDONED, NEGLECTED, CRUELLY TREATED ANIMALS.

(a) In General. Any animal found abandoned, neglected, cruelly treated, or in such a condition as to constitute a direct and immediate threat to its life, safety or health may be seized pursuant to Section 3.1-796.115 of the Code of Virginia of 1950, as amended, and humanely disposed of by sale, adoption or euthanasia at the discretion of the Director of Animal Care and Control after ten days following the date on which the animal was seized or in accordance with a judicial determination by the General District Court that the owner is unable to adequately provide for the animal or is not a fit person to own the animal, provided, however, that the hearing required by Section 3.1-796.115 of the Code of Virginia of 1950, as amended, to be set within ten days of the date of seizure, may be continued to a later date if the owner of the animal provides a cash or corporate surety bond in accordance with subsection (b) hereof.

(b) Postponement of Disposal by Posting Security. A person claiming an interest in any animal confined under subsection (a) hereof pursuant to Section 3.1-796.115 of the Code of Virginia of 1950, as amended, may prevent disposition of the animal after the ten-day period set forth in subsection (a) hereof by posting a cash or corporate surety bond with the Treasurer prior to expiration of the ten-day period in an amount sufficient to secure payment for all reasonable expenses incurred in caring and providing for the animal, including estimated medical care, for at least thirty days, inclusive of the date on which the animal was seized. However, such bond or security shall not prevent the authority having custody of the animal from disposing of such animal at the end of the thirty-day period covered by the bond or security, unless the person claiming an interest posts an additional cash or corporate surety bond with the Treasurer to secure payment of reasonable expenses for an additional thirty days, and does so prior to the expiration of the first thirty-day period. The amount of the bond shall be determined by the Director of Animal Care and Control, based on the current rate for board and on the condition of the animal after examination of the animal by the Animal Control Officer. At the conclusion of the case, the bond shall be forfeited to the County unless there is a finding that the owner is able to adequately provide for such animal and is a fit person to own the animal. If a cash bond was paid into the County Treasurer and a judicial determination is made that the owner is able to adequately provide for such animal and is a fit person to own the animal, the owner shall be entitled to a refund of the cash bond from the Treasurer.

(c) Notice. The authority taking custody of the animal under the foregoing provisions shall, within twenty-four hours, give notice of this section by posting a copy of it at the location where the animal was seized or by delivering it to a person residing on the property of the owner.
(Ord. 98-11. Passed 10-7-98.)

612.24 CRUELTY TO ANIMALS; GENERAL. (REPEALED)

(EDITOR'S NOTE: Section 612.24 was repealed by Ordinance 00-14, passed December 18, 2000.)

612.25 CONFINEMENT OF ANIMALS IN VEHICLES PROHIBITED.

(a) Any person who confines an animal in an unattended, enclosed vehicle where the outside temperature is seventy degrees or greater, and the interior of the vehicle is not provided with conditioned air to maintain an internal temperature of eighty degrees Fahrenheit or less, shall be guilty of a Class 3 misdemeanor.

(b) Any person who confines an animal in an unattended, enclosed vehicle so as to cause the animal to suffer from heat stress, shall be guilty of a Class 1 misdemeanor. The Animal Control Officer or other officer shall have the authority to remove any animal found in an enclosed vehicle that appears to be suffering from heat stress. The animal shall be provided immediate veterinary care. The animal owner or custodian shall be responsible for all expenses incurred during the removal of the animal or its subsequent treatment and impoundment.

(c) In the event that the person responsible for the violation cannot be ascertained, the registered owner of the vehicle, as required by Chapter 6 of Title 46.2 of the Code of Virginia (1950), as amended, shall constitute in evidence a prima facie presumption that such registered owner was the person who committed the violation.
(Ord. 98-11. Passed 10-7-98.)

612.26 FEE SCHEDULE.**(a) License Fee:**

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|--|------------------------|
| (1) Infertile male or female dogs: | \$ 5.00 for 12 months |
| (2) Fertile male or female dogs: | \$ 10.00 for 12 months |
| (3) Replacement tag: | \$ 1.00 each |
| (4) Kennel (up to and including 20 dogs) | \$ 35.00 |
| (5) Kennel (up to and including 50 dogs) | \$ 50.00 |

(b) Impoundment Fee:

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|--|---------------|
| (1) First impoundment or quarantine impoundment: | \$ 30.00 each |
| (2) Any additional impoundment: | \$ 50.00 each |

(c) Boarding Fees Per Day:

- | | |
|---------------|----------|
| (1) Dogs: | \$ 15.00 |
| (2) Cats: | \$ 10.00 |
| (3) Livestock | \$ 15.00 |

- (4) Reptiles and exotic animals: \$ 8.00
- (5) Rodents, ferrets and rabbits: \$ 5.00
- (6) Dangerous dogs or potentially dangerous dogs impounded pending disposition by the court or dogs confined for rabies observation: \$ 20.00
- (d) Adoption Fees; Dogs:
 - (1) Infertile males or females: \$ 10.00
 - (2) Fertile males: \$ 53.00
(*note: spay/neuter fee is included)
 - (3) Fertile females: \$ 58.00*
- (e) Adoption fees; cats:
 - (1) Infertile males or females: \$ 5.00
 - (2) Fertile males: \$ 32.00*
 - (3) Fertile females: \$ 37.00*
- (f) Adoption Fee for Small Companion Animals and Exotic Animals (Rabbits, Ferrets, Gerbils, Guinea Pigs, Birds, Iguanas, Snakes, Etc.): \$ 5.00
- (g) Adoption Fees for Livestock:
 - (1) Up to 150 lb.: \$ 25.00 each
 - (2) 150 to 500 lb.: \$ 50.00 each
 - (3) 501 or more lb.: \$ 100.00 each
- (h) Dangerous Dog Registration Fee: \$ 50.00 each for 12 months.
(Ord. 98-10. Passed 10-7-98; Ord. 02-19. Passed 12-3-02.)

612.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Whoever violates or fails to comply with any of the provisions of this chapter relating to animals, for which no specific penalty is provided, is guilty of a Class 4 misdemeanor and shall be fined not more than two hundred fifty dollars (\$250.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. 98-11. Passed 10-7-98.)

